



*Gaithersburg*  
A CHARACTER COUNTS! CITY

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## **MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION FEBRUARY 15, 2006**

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Chair John Bauer called the meeting to order at 7:35 p.m. Present at the meeting were Commissioners Matthew Hopkins, Lenny Levy and Alternate Lloyd Kaufman, City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Community Planning Director Trudy Schwarz, and Recording Secretary Myriam Gonzalez. Absent: Commissioner Danny Winborne. Chair Bauer stated that Alternate Commissioner Kaufman would be participating this evening, as not all Commissioners were present.

Chair Bauer announced that a joint work session on Annexation Petition X-182 - the Crown Farm Property, is scheduled for February 27, 2006.

### **I. APPROVAL OF MINUTES**

February 1, 2006, Planning Commission Meeting

Commissioner Levy moved, seconded by Commissioner Kaufman, to APPROVE the Minutes of the February 1, 2006, Planning Commission Meeting, as submitted this evening.

Vote: 4-0

### **II. RECOMMENDATION TO MAYOR AND COUNCIL**

SDP-05-006 -- Jody Kline, Miller, Miller and Canby, for The Morgan Group, Inc. Request for schematic development plan approval for 206,895 square feet of office use, 54,211 square feet of office/retail/restaurant use, and 348 multi-family condominiums with structured parking. The subject property is located in the Washingtonian Center, Parcel K, on Washingtonian Boulevard, south of the Springhill Suites Hotel and north of Negola's Ark Veterinary Hospital and is in the Mixed Use Development (MXD) Zone.

Chair Bauer noted the Commission's public hearing record on this proposal is closed.

Community Planning Director Schwarz located the subject property and reviewed the Staff Analysis of this application, which included among other aspects, the annexation, Master Plan and zoning history of the property. She noted that since this property is designated by the Master Plan for commercial/industrial-research-office and institutional land uses as part the 2003 Master Plan Special Study Area 5/Map Designation 3, with no residential units specified; and since the residential density of an MXD-zoned property is to be in keeping with the Master Plan and the unit number and location established in the sketch plan (Zoning Ordinance § 24-160D.4), this application would need a change in the Master Plan before being considered for approval. She explained that this property was part of an annexation agreement (X-159) that included a schematic development plan instead of a sketch plan.

*Approved minutes are available at [www.gaithersburgmd.gov](http://www.gaithersburgmd.gov) or by mail upon written request.*

Mrs. Schwarz discussed several concerns with this property relating to the need for noise attenuation measures (i.e., sound wall and/or architectural mitigation), no space for afforestation on the property, stormwater management requirements, public utilities, emergency access, and impact on school population capacity. Regarding the latter, she noted the application does not meet the City's goals for schools. She also noted that the applicant would need to submit evidence that the proposed structured parking meets the parking needs and a complete sidewalk/bicycle connection network.

She voiced staff's recommendation for denial since the residential land use of the plan does not conform to the Master Plan, and listed the Planning Commission's options for action. She answered questions of Chair Bauer and Commissioner Hopkins regarding the proposed square footage for office use, the floor area ratio (FAR), and shared parking.

The Commission agreed that since the application does not comply with the Master Plan, it should be recommended for denial. However, Chair Bauer pointed out that if the aspects of the plan that staff found to be of concern could be resolved, the project would be an asset to the City due to its creative design scheme for the mix of uses with a human scale that included affordable housing. Chair Bauer discussed the compatibility of the project with the rest of the Washingtonian project and the spirit of the MXD Zone, and suggested the applicant work with the City on revisiting this Special Study Area 5 to find a way to accommodate the creative uses included in the project.

Commissioner Hopkins pointed out that the emergency truck access issue must be resolved before moving forward. He agreed with Chair Bauer that the intent of the Master Plan is to create a synergistic dependency among the varying uses at the planning and architectural levels. Commissioner Hopkins added that the missing components within Washingtonian are the urban multifamily residential with small retail and flexible small business office space. He stated that the proposed project exceeded the need for careful integration of the missing components of the Master Plan as well as integrating established architectural elements from the core of the existing project that large office project would not be able to achieve.

Commissioner Levy shared Commissioner Hopkins' concern over the emergency vehicle access issue as well as with the applicant's proposal to pay a fee-in-lieu of on-site afforestation. Chair Bauer asked that the Communication of the Planning Commission (CPC) to the City Council reflect the Commission's recommendation to revisit the master plan to include a more complete mix of uses in the Special Study Area 5, noting that the quality of this project would be an asset to the City.

Commissioner Levy moved, seconded by Commissioner Kaufman, to recommend DENIAL of Schematic Development Plan SDP-05-006 to the Mayor and City Council, finding that it does not comply with Zoning Ordinance § 24-160D.4(a)(1) as the proposed plan is not in accordance with the 2003 Master Plan prescribing office use only for this site.

Vote: 4-0

Commissioner Kaufman moved, seconded by Commissioner Levy, to recommend to the Mayor and City Council reexamination of Special Study Area 5/Map Designation 3 of the Master Plan to allow a creative mixed-use project, consistent with MXD zoning that may include commercial, residential, office and affordable housing components.

Vote: 4-0

III. FROM THE COMMISSIONCommissioner Kaufman

Commended the City Department of Public Works, Park Maintenance and Engineering (DPWPM&E) for clearing the streets of snow so promptly. The Commission echoed his comment.

Commissioner Levy

Voiced a concern that Gaithersburg students have to attend an increasing number of schools outside the City, asking that the Montgomery County Public Schools Administration would encompass the concept of community schools.

IV. FROM STAFFPlanning and Code Administration Director Ossont

Announced a joint work session on the Crown Farm property (X-182) is scheduled for February 27.

V. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 8:15 p.m.

Respectfully submitted,

M. Gonzalez  
Recording Secretary